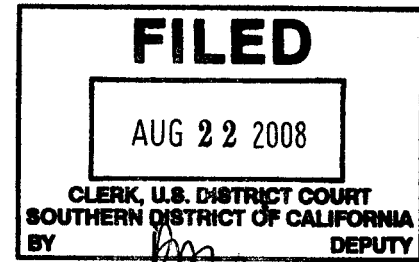


1 Lantz Arnell
2 1516 Glorietta Blvd.
3 Coronado, CA 92118
4 (619) 435-4064
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7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**
9

10 LANTZ E. ARNELL

Case No. 08-cv-00441(LAB)(RBB)

11 Plaintiff

12 Separate Statement of Points
13 And Authorities in Support of
14 Plaintiff's Motion for Discovery
15 Conference.
16

17 v.

18 JACK LIEB, ESQ. , AND ASSOC.,

19 JUDGE W. MCADAM, ET AL.

20 Defendants
21 _____
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Date: Sept. 29, 2008
Time: 10:00 AM.
Court Rm. B (1st floor)
Judge: Honorable Ruben B.
Brooks

POINTS AND AUTHORITIES

FRCP 26 (b) (1): "Parties may obtain discovery regarding any matter...which is relevant to the subject matter in the pending action..." "Rules 26-37 of these rules should be liberally construed in favor of discovery where possible." [*Klausen v. Sidney printing and Pub. Co.*, D.C.Kan. (1967), 271 F. Supp. 783]

Congressional Statement of Findings and Purpose: "Organized crime continues to grow because the evidence-gathering process(es) of the law...are unnecessarily limited in scope and impact." [Section 1 of Pub. L. 91-452]. Plaintiff has been the victim of organized crime. The federal court is his only avenue of redress. Federal law empowers victims to bring cases to federal court for redress, but primarily to aid in the eradication of organized crime in the U.S.A. "... novel remedies and attacking crime on all fronts were made with direct reference to private damages provision of RICO Act, it is in such spirit that all of the act's provision's should be read." [*Sedima, S.P.R.L. v. Imrex Co., Inc.*, U.S.N.Y. (1985), 105 S. Ct. 3275, 87 L. Ed. 2d 346]. The Congressional intent to eliminate crime separates civil RICO actions from all other civil actions. "RICO is to be read broadly and liberally construed." [*LaSalle Bank Lake View v. Sebugan, N.D. Ill.* (1996), 937 F. Supp. 1309] and [*U.S. v. Kaye, C.A.7(Ill.)* 1977, 556 F. 2d 855, 54 L. Ed. 277]

In *Rose v. Bartle, C.A. 3 (Pa.)* 1989, 871 F. 2d 331, county sheriff alleged he was falsely accused of a crime because he did his job when people without authority did not want him to do his job. Federal Court of appeals ruled that his civil RICO claim was valid. The instant case is similar involving false criminal accusations, corruption and racketeering.

1 "District Court...cannot...undercut rule mandating holding of discovery
2 conference upon proper motion by party..." [Union City Barge Line Inc., v. Union
3 Carbide Corp., C.A. 5 (Tex.) 1987, 823 F. 2d 129].

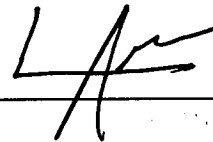
4 "Discovery is not limited to issues raised by the pleadings, for discovery
5 itself is designed to help define and clarify the issues." [Oppenheimer Funds Inc.
6 v. Sanders, N.Y., 1978, 98 S. Ct. 2380, 57 L. Ed. 2d 253]. "Free access to facts is
7 essential consideration in dealing with discovery process." [*Jackson v. Kroblin*
8 *Refrigerated Xpress, Inc.*, D.C.W.Va 1970 49 FRD . 134].

9 CONCLUSION

10 The law and the precedents support discovery. All parties have an
11 obligation to proceed through discovery in good faith.

12
13 Respectfully submitted by Lantz Arnell, MD

14 8/22/08

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3D-8

CASE NAME: ANRELL v. LIEB AND LIEB ET. AL.	CASE NUMBER: 08-cv-441 (LAB) (RBB)
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NOTICE TO PARTIES: A copy of this document must be mailed or personally delivered to the other party or parties to this appeal. A PARTY TO THE APPEAL MAY NOT PERFORM THE MAILING OR DELIVERY HIMSELF OR HERSELF. A person who is at least 18 years old and is not a party to this appeal must complete the information below and mail (by first-class mail, postage prepaid) or personally deliver the front and back of this document. When the front and back of this document have been completed and a copy mailed or personally delivered, the original may then be filed with the court.

PROOF OF SERVICE

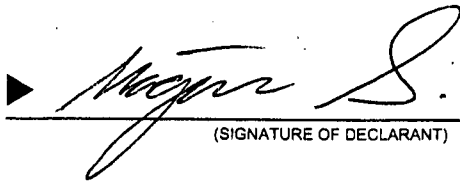
☐ Mail ☒ Personal Service

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My residence or business address is (specify): **416 "B" Avenue, Coronado, CA 92118**
3. I mailed or personally delivered a copy of the *Notice of Appeal/Cross-Appeal (Unlimited Civil Case)* as follows (complete either a or b):
 - a. ☐ Mail. I am a resident of or employed in the county where the mailing occurred.
 - (1) I enclosed a copy in an envelope and
 - (a) ☐ deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
 - (b) ☐ placed the envelope for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
 - (2) The envelope was addressed and mailed as follows:
 - (a) Name of person served:
 - (b) Address on envelope:
 - (c) Date of mailing:
 - (d) Place of mailing (city and state):
 - b. ☒ Personal delivery. I personally delivered a copy as follows: **MOTION FOR DISCOVERY CONFERANCE**
 - (1) Name of person served: **Monica**
 - (2) Address where delivered: **220 W. Broadway
San Diego, CA 92101
ATTN: Cheryl Brierton, ESQ**
 - (3) Date delivered: **8-22-08**
 - (4) Time delivered: **2:30**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **8-22-08**

Maggie Santamaria
(TYPE OR PRINT NAME)


(SIGNATURE OF DECLARANT)